UNITED STATES DISTRICT COURT		EASTERN DISTRICT OF TEXAS
PHILMORE CLINES, JR.,	§	
Plaintiff,	§ § 8	
versus	8 8 8	CIVIL ACTION NO. 9:24-CV-24
BARBARA MCCLENAND, et al.,	§ §	
Defendants.	§	

## MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Philmore Clines, Jr., an inmate confined at the Hodge Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the action for want of prosecution.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes plaintiff's objections are without merit.

Plaintiff failed to submit either the filing fee or an application to proceed *in forma pauperis* along with his complaint. Accordingly, on February 1, 2024, the magistrate judge ordered him to either pay the \$405.00 filing fee or submit an application to proceed *in forma pauperis*. After plaintiff failed to comply with the order, the magistrate judge entered a Report recommending dismissal of the action without prejudice for want of prosecution on April 10, 2024.

In his objections, plaintiff states he will pay the filing fee if he can obtain release on a

personal recognizance bond so he can receive his Social Security Insurance payment. Plaintiff's

release is not required to comply with the order of the magistrate judge. The Texas Department

of Criminal Justice has established procedures pertaining to records release information and

payment authorization for prisoner litigation. See Morrow v. Collins, 111 F.3d 374, 375-76 (5th

Cir. 1997). Moreover, the notice to inmates of such procedures was reprinted as an appendix in

order to inform the bench, bar, and public of these procedures. *Id.* Plaintiff has failed to comply

with the procedures available to proceed in forma pauperis. Therefore, plaintiff's objections are

without merit.

ORDER

Accordingly, plaintiff's objections are OVERRULED. The findings of fact and

conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is

**ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate

judge's recommendation. This dismissal is without prejudice to plaintiff's ability to reinstate the

above-styled action within thirty days from the date of this order by either paying the full \$405.00

filing fee or submitting an application to proceed in forma pauperis.

SIGNED at Beaumont, Texas, this 31st day of May, 2024.

MARCIA A. CRONE

Maria a. Crone

UNITED STATES DISTRICT JUDGE

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